## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

**Claim 1. (currently amended):** An image sensing apparatus comprising:

~~a setting state determination device which determines a setting state of the image sensing apparatus in image sensing;~~

[[an]] a first exposure level calculation device which performs photometry for image sensing to calculate [[an]] a first exposure level upon an image sensing preparation instruction by an image sensing preparation instruction member;

[[an]] a second exposure level calculation device which calculates [[an]] a second exposure level of an image signal output after image sensing;

~~an exposure correction calculation device which calculates an exposure error value from the exposure level calculated by said exposure calculation device and the exposure level of a sensed image that is calculated by said exposure level calculation device;~~

an exposure error calculation device which calculates an exposure error between the first exposure level calculated by said first exposure level calculation device and the second exposure level calculated by said second exposure level calculation device;

a determination device which determines whether or not to correct the exposure error on the basis of at least one of [[the]] a setting state of the image sensing apparatus ~~that is obtained by said setting state determination device~~ in image sensing, an operation state of the image sensing apparatus, and an object brightness state in image sensing, ~~wherein said determination device determines not to correct the exposure error in a case that at least one of the setting state~~

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~~of the image sensing apparatus, the operation state of the image sensing apparatus, and the object brightness state satisfies a predetermined condition, regardless of a magnitude of the exposure error calculated by said exposure correction calculation device~~ <u>even if the image sensing apparatus is set to an auto exposure control mode</u>; and

an exposure error correction device which performs ~~an exposure~~ <u>a</u> correction <u>operation of the exposure error</u> by using the exposure error calculated by said exposure ~~correction~~ <u>error</u> calculation device, when it is determined by said determination device to correct the exposure error.

**Claim 2. (currently amended):** The apparatus according to claim 1, wherein the setting state of the image sensing apparatus includes at least one of a state in which an exposure correction value is set, a state in which an exposure condition obtained by photometry is held, a state in which a photometry method is set to spot photometry, a state in which a manual exposure mode is set, and a state in which a long shutter mode is set, and

when any one of the states is set, said determination device determines not to ~~calculate the correction amount of the exposure error value, and said exposure error correction device does not perform an exposure correction by using the exposure error calculated by said exposure correction calculation device~~ <u>correct the exposure error</u>.

**Claim 3. (currently amended):** The apparatus according to claim 1, wherein the setting state of the image sensing apparatus includes a state in which a flash is so set as to emit light, and

when the flash is so set as to emit light, <u>said exposure error correction device changes</u> a correction width of ~~a correction amount of~~ the exposure error ~~is changed~~ in consideration of ~~at~~

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~~least one of a flashlight amount, a distance to an object, a stop state, and a setting sensitivity~~ elements which cause an under exposure.

**Claim 4. (currently amended):** The apparatus according to claim 1, wherein

the operation state of the image sensing apparatus includes a state in which an image sensing processing start instruction is received from an image sensing start instruction member before an end of <u>a first</u> exposure <u>level</u> calculation processing by said <u>first</u> exposure <u>level</u> calculation device that starts upon reception of [[an]] <u>the</u> image sensing ~~processing~~ preparation [[start]] instruction by the image sensing preparation instruction member, and

when the image sensing processing start instruction is received before the end of <u>the first</u> exposure <u>level</u> calculation processing by said <u>first</u> exposure <u>level</u> calculation device, an image is sensed at an exposure value obtained during <u>the first</u> exposure <u>level</u> calculation processing, said exposure ~~correction~~ <u>error</u> calculation device calculates ~~the correction amount of~~ the exposure error by using information in <u>the first</u> exposure <u>level</u> calculation <u>processing</u> so as to obtain a sensed image at correct exposure, and said exposure error correction device corrects the exposure error of the sensed image by using the ~~correction amount~~ <u>exposure error</u>.

**Claim 5. (currently amended):** The apparatus according to claim 4, wherein when the image sensing processing start instruction is received before the end of <u>the first</u> exposure <u>level</u> calculation processing by said <u>first</u> exposure <u>level</u> calculation device, and the setting state of the image sensing apparatus includes at least one of a state in which an exposure correction value is set, a state in which an exposure condition obtained by photometry is held, a state in which a photometry method is set to spot photometry, a state in which a manual exposure mode is set, and a state in which a long shutter mode is set, exposure starts after a correct exposure value is

calculated at the end of <u>the first exposure level</u> calculation processing by said <u>first</u> exposure <u>level</u>

calculation device.

      **Claim 6. (currently amended):**   The apparatus according to claim 1, wherein, in an

operation state of the image sensing apparatus in which an exposure state is held upon pressing

the image sensing preparation instruction member, when a state in which an image sensing start

instruction member is not pressed is held for not less than a given threshold time after the image

sensing preparation instruction member is pressed, said determination device determines not to

~~calculate the exposure error, and said exposure error correction device does not perform an~~

~~exposure correction by using the exposure error calculated by said exposure correction~~

~~calculation device~~ correct the exposure error.

      **Claim 7. (currently amended):**   An image sensing method comprising:

      ~~a processing step of determining a setting state of an image sensing apparatus in image~~

~~sensing;~~

      a processing step of performing photometry for image sensing to calculate [[an]] <u>a first</u>

exposure level upon an image sensing preparation instruction by an image sensing preparation

instruction member;

      a processing step of calculating [[an]] <u>a second</u> exposure level of an image signal output

after image sensing; ~~and~~

      ~~a processing step of calculating an exposure error from the exposure level obtained by the~~

~~photometry and the exposure level of the image signal,~~

<u>a processing step of calculating an exposure error between the first exposure level calculated by said first exposure level calculation step and the second exposure level calculated by said second exposure level calculation step;</u>

a processing step of determining whether or not to perform an exposure correction on the basis of at least one of [[the]] <u>a</u> setting state of the image sensing apparatus <u>in image sensing</u>, an operation state of the image sensing apparatus, and an object brightness state in image sensing, ~~wherein said determination step determines not to correct the exposure error in a case that at least one of the setting state of the image sensing apparatus, the operation state of the image sensing apparatus, and the object brightness state satisfies a predetermined condition, regardless of a magnitude of the exposure error calculated by said calculation step of the exposure error~~ <u>even if the image sensing apparatus is set to an auto exposure control mode</u>; and

a processing step of performing ~~the exposure~~ <u>a</u> correction <u>operation of the exposure error</u> by using the exposure error when a determination is made to perform the exposure correction ~~an exposure correction~~.

**Claim 8. (canceled).**

**Claim 9. (previously presented):** A computer-readable recording medium, on which is stored a computer program comprising instructions for causing a computer to execute an image sensing method defined in claim 7.